

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Trustees of the Operating Engineers Pension
Trust et al.,

Plaintiffs

v.

Peek Construction Co. et al.,

Defendants

Case No.: 2:12-cv-00333-JAD-CWH

**Order Denying Without Prejudice
Motion for Summary Judgment
Against Defendant Michael L. Peek
[Doc. 62]**

On March 7, 2014, Plaintiffs Trustees of the Operating Engineers Pension Trust, et al., moved for summary judgment against defendant Michael L. Peek. Doc. 62. Although Peek failed to oppose the motion, on November 25, 2014, plaintiffs notified the court that Peek filed for bankruptcy on October 27, 2014, in the U.S. Bankruptcy Court for the District of Nevada. Doc. 67. In light of the still-pending bankruptcy proceedings, I deny without prejudice plaintiff's motion for summary judgment against Peek. Plaintiffs are free to re-urge the motion after Peek's bankruptcy proceedings have concluded.

Accordingly, it is **HEREBY ORDERED** that Plaintiffs' Motion for Summary Judgment [Doc. 62] is **DENIED WITHOUT PREJUDICE**.

Dated: December 11, 2014.



Jennifer A. Dorsey
United States District Judge